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Attorneys for Defendant / Third-Party Plaintiff, WESTCHESTER SURPLUS LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company (“Westchester”), and Third-Party Defendant, Liberty Surplus Insurance Corporation (“Liberty Surplus”), have agreed and hereby stipulate to the dismissal of Liberty Surplus from Westchester’s First Amended Third-Party Complaint, with prejudice, subject to said parties’ mutual waiver of costs. Said parties request the Court’s approval and execution of the below proposed order for dismissal.

1           **IT IS SO STIPULATED.**

2           DATE: December 19, 2012

3           McCORMICK, BARSTOW, SHEPPARD, WAYTE  
4           & CARRUTH, LLP

5           By: /s/ Jay A. Christofferson

6           JAY A. CHRISTOFFERSON

7           Attorneys for Third-Party Defendant,  
8           LIBERTY SURPLUS INSURANCE CORP.

9           DATE: December 19, 2012

10          MORALES, FIERRO & REEVES

11          By: /s/ David Astengo

12          DAVID A. ASTENGO

13          Attorneys for Defendant and Third-Party  
14          Plaintiff, WESTCHESTER SURPLUS LINES  
15          INSURANCE COMPANY

16           **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

17          Having reviewed the above stipulation, the Court orders that Defendant and Third-Party  
18          Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint  
19          against Third-Party Defendant, Liberty Surplus Insurance Corporation, be dismissed, with  
20          prejudice. The remainder of Westchester Surplus Lines Insurance Company's First Amended  
21          Third-Party Complaint shall not be changed or impacted by this Order.

22           **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23          Date: 12/20/12

24             
25          HONORABLE RICHARD SEEBORG  
26          United States District Court  
27          Northern District of California